

1 BOIES, SCHILLER & FLEXNER LLP
2 RICHARD J. POCKER (NV Bar No. 3568)
3 300 South Fourth Street, Suite 800
Las Vegas, NV 89101
4 Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsflp.com

5 BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
6 FRED NORTON (*pro hac vice*)
KIERAN P. RINGGENBERG (*pro hac vice*)
7 1999 Harrison Street, Suite 900
Oakland, CA 94612
8 Telephone: (510) 874-1000
Facsimile: (510) 874-1460
9 sholtzman@bsflp.com
fnorton@bsflp.com
10 kringgenberg@bsflp.com

11
12

13 Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc. and Oracle International
14 Corp.

15
16
17

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

18 ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
19 corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

20 Plaintiffs,
21 v.

22 RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

23 Defendants.

24

25
26
27
28

BINGHAM McCUTCHEN LLP
GEOFFREY M. HOWARD (*pro hac vice*)
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

Case No 2:10-cv-0106-LRH-PAL

**DECLARATION OF MANU
PRADHAN IN SUPPORT OF
ORACLE'S SECOND MOTION FOR
PARTIAL SUMMARY JUDGMENT**

1 I, Manu Pradhan, declare as follows:

2 1. I am an attorney at Bingham McCutchen, counsel of record in this action for
3 Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively,
4 “Oracle”). I have personal knowledge of the facts set forth in this declaration and would
5 competently testify to them if called upon to do so.

6 2. The Exhibits referenced below are all attached to the Appendix of Exhibits Cited
7 In Support of Oracle’s Second Motion for Partial Summary Judgment (the “Appendix”). These
8 Exhibits are all true and correct copies of pages or excerpts from final deposition transcripts, or
9 from exhibits used in depositions, or from documents produced by the parties or a third party, or
10 from pleadings filed in this action, or from written discovery to or from Defendant Rimini Street,
11 Inc. (“Rimini”), or from letters exchanged between counsel for the parties, or from news articles,
12 Rimini press releases or other materials publicly available and accessed via the internet. To
13 minimize bulk, for ease of use, and to the extent possible without losing context, only the
14 relevant pages and information are included in these Exhibits. We have provided highlighting
15 and/or boxing where possible to further assist in identifying the information relevant to Oracle’s
16 motion.

17 3. Attached to the Appendix as Exhibit 1 is a true and correct copy of relevant
18 excerpts of Rimini’s Supplemental Objections and Responses to Plaintiff’s Interrogatories Nos.
19 7, 15, 28, 29, and 30, dated December 19, 2011.

20 4. Attached to the Appendix as Exhibit 2 is a true and correct copy of a document
21 Oracle produced to Rimini as part of discovery in this action, endorsed with the Bates-numbers
22 ORCLRS1313250-59.

23 5. Attached to the Appendix as Exhibit 3 is a true and correct copy of a document
24 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
25 RSI06698450-53, and introduced as Oracle Deposition Exhibit 807 during the November 11,
26 2011 deposition of George Lester.

27

28

1 6. Attached to the Appendix as Exhibit 4 is a true and correct copy of a document
2 Oracle produced to Rimini as part of discovery in this action, endorsed with the Bates-numbers
3 ORCLRS0353011-12.

4 7. Attached to the Appendix as Exhibit 5 is a true and correct copy of Oracle
5 Deposition Exhibit 808, which was introduced during the November 11, 2011 deposition of
6 George Lester.

7 8. Attached to the Appendix as Exhibit 6 is a true and correct copy of relevant
8 excerpts of the transcript of the November 12, 2009 deposition of Richard Allison taken in the
9 action captioned *Oracle Corp., et al. v. SAP AG, et al.*, Case No. 07-CV-1658 (PJH) (N.D. Cal.).

10 9. Attached to the Appendix as Exhibit 7 is a true and correct copy of relevant
11 excerpts of the transcript of the November 11, 2011 deposition of George Lester.

12 10. Attached to the Appendix as Exhibit 8 are true and correct copies of screenshots
13 taken of the Oracle Technology Network (“OTN”) website, as accessed on August 14, 2012. As
14 reflected in the Exhibit, Page 1 contains links for users to download Oracle Database software,
15 and the statement that “You must accept the **OTN License Agreement** to download this
16 software.” Page 2 of the Exhibit accurately reflects that clicking on the words “OTN License
17 Agreement” directs the user to a window containing the “Oracle Technology Network Developer
18 License.”

19 11. Attached to the Appendix as Exhibit 9 is a true and correct copy of relevant
20 excerpts of the transcript of the October 5, 2011 deposition of Krista Williams.

21 12. Attached to the Appendix as Exhibit 10 is a true and correct copy of Oracle
22 Deposition Exhibit 470, which was introduced during the October 5, 2011 deposition of Krista
23 Williams.

24 13. Attached to the Appendix as Exhibit 11 is a true and correct copy of relevant
25 excerpts of the transcript of the May 10, 2011 deposition of Douglas Baron.

26 14. Attached to the Appendix as Exhibit 12 is a true and correct copy of relevant
27 excerpts of the transcript of the March 17, 2011 Rule 30(b)(6) deposition of Beth Lester.

28 15. Attached to the Appendix as Exhibit 13 is a true and correct copy of relevant

1 excerpts of a document Rimini produced to Oracle as part of discovery in this action, which
2 Rimini endorsed with the Bates-number RSI00910435. For identification purposes, Oracle has
3 endorsed this specific excerpt with the Bates-number ORCLRS-RSI00910435_02348.

4 16. Attached to the Appendix as Exhibit 14 is a true and correct copy of relevant
5 excerpts of Oracle Deposition Exhibit 74, which was introduced during the March 17, 2011
6 deposition of Beth Lester.

7 17. Attached to the Appendix as Exhibit 15 is a true and correct copy of relevant
8 excerpts of the transcript of the September 27, 2011 deposition of John Whittenbarger.

9 18. Attached to the Appendix as Exhibit 16 is a true and correct copy of relevant
10 excerpts of the transcripts of the November 17 and 18, 2011 depositions of Seth Ravin.

11 19. Attached to the Appendix as Exhibit 17 is a true and correct copy of relevant
12 excerpts of Oracle Deposition Exhibit 929, which was introduced during the November 18, 2011
13 deposition of Seth Ravin.

14 20. Attached to the Appendix as Exhibit 18 is a true and correct copy of Rimini's
15 First Supplemental Objections and Responses to Plaintiffs' Interrogatories 17, 18, and 26, dated
16 September 19, 2011.

17 21. Attached to the Appendix as Exhibit 19 is a true and correct copy of Attachment
18 A to Rimini's First Supplemental Objections and Responses to Plaintiffs' Interrogatories 17, 18,
19 and 26.

20 22. Attached to the Appendix as Exhibit 20 is a true and correct copy of Attachment
21 B to Rimini's First Supplemental Objections and Responses to Plaintiffs' Interrogatories 17, 18,
22 and 26.

23 23. Attached to the Appendix as Exhibit 21 is a true and correct copy of First
24 Supplemented Attachment C to Rimini's First Supplemental Objections and Responses to
25 Plaintiffs' Interrogatories 17, 18, and 26, along with a true and correct copy of the March 12,
26 2012 cover letter from Rimini's counsel, Robert H. Reckers.

27 24. Attached to the Appendix as Exhibit 22 is a true and correct copy of Oracle's First
28 Set of Requests for Admissions to Rimini, which Oracle served on Rimini on August 26, 2011.

1 25. Attached to the Appendix as Exhibit 23 is a true and correct copy of Rimini's
2 Responses and Objections to Oracle's First Set of Requests for Admissions to Rimini, dated
3 September 28, 2011.

4 26. Attached to the Appendix as Exhibit 24 is a true and correct copy of relevant
5 excerpts of the transcript of the June 15, 2012 deposition of David Klausner.

6 27. Attached to the Appendix as Exhibit 25 is a true and correct copy of a document
7 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-number
8 RSI02519754.

9 28. Attached to the Appendix as Exhibit 26 is a true and correct copy of a document
10 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
11 RSI03920019-20.

12 29. Attached to the Appendix as Exhibit 27 is a true and correct copy of relevant
13 excerpts of the transcript of the June 8, 2011 deposition of Ray Grigsby.

14 30. Attached to the Appendix as Exhibit 28 is a true and correct copy of Oracle
15 Deposition Exhibit 183, which was introduced during the June 8, 2011 deposition of Ray
16 Grigsby.

17 31. Attached to the Appendix as Exhibit 29 is a true and correct copy of a document
18 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-number
19 RSI06800276.

20 32. Attached to the Appendix as Exhibit 30 is a true and correct copy of Oracle's
21 Fifth Set of Interrogatories to Rimini, without the exhibits thereto, which Oracle served on
22 Rimini on May 25, 2011.

23 33. Attached to the Appendix as Exhibit 31 is a true and correct copy of Rimini's
24 Third Supplemental Response to Oracle's Interrogatories Nos. 20-22, dated February 6, 2012.

25 34. Attached to the Appendix as Exhibit 32 is a true and correct copy of Rimini's
26 First Supplemented Exhibit 1A-3 to Rimini's Third Supplemental Response to Oracle's
27 Interrogatories Nos. 20-22, along with a true and correct copy of the March 9, 2012 cover letter
28 from Rimini's counsel, Robert H. Reckers.

1 35. Attached to the Appendix as Exhibit 33 is a true and correct copy of relevant
2 excerpts of the transcript of the September 16, 2011 Rule 30(b)(6) deposition of Douglas Zorn.

3 36. Attached to the Appendix as Exhibit 34 is a true and correct copy of relevant
4 excerpts of Oracle Deposition Exhibit 418, which was introduced during the September 16, 2011
5 Rule 30(b)(6) deposition of Douglas Zorn.

6 37. Attached to the Appendix as Exhibit 35 is a true and correct copy of relevant
7 excerpts of the transcript of the July 21, 2011 deposition of Michael Davichick.

8 38. Attached to the Appendix as Exhibit 36 is a true and correct copy of relevant
9 excerpts of Oracle Deposition Exhibit 281, which was introduced during the July 21, 2011
10 deposition of Michael Davichick.

11 39. Attached to the Appendix as Exhibit 37 is a true and correct copy of relevant
12 excerpts of Oracle Deposition Exhibit 293, which was introduced during the July 21, 2011
13 deposition of Michael Davichick.

14 40. Attached to the Appendix as Exhibit 38 is a true and correct copy of a document
15 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-number
16 RSI04026526.

17 41. Attached to the Appendix as Exhibit 39 is a true and correct copy of a May 16,
18 2012 Rimini press release titled "Rimini Street Appoints Ed Schaffer Chief Financial Officer,"
19 accessed on September 12, 2012 and available at <http://www.riministreet.com/news.php?id=1036>.

21 42. Attached to the Appendix as Exhibit 40 is a true and correct copy of relevant
22 excerpts of the transcript of the August 24, 2010 Rule 30(b)(6) deposition of Brian Slepko.

23 43. Attached to the Appendix as Exhibit 41 is a true and correct copy of relevant
24 excerpts of the transcript of the December 16, 2011 Rule 30(b)(6) deposition of Brian Slepko.

25 44. Attached to the Appendix as Exhibit 42 is a true and correct copy of a document
26 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
27 RSI03611439-41.

28

1 45. Attached to the Appendix as Exhibit 43 is a true and correct copy of a document
2 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
3 RSI06698785-87.

4 46. Attached to the Appendix as Exhibit 44 is a true and correct copy of a document
5 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
6 RSI06800738-53.

7 47. Attached to the Appendix as Exhibit 45 is a true and correct copy of a document
8 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
9 RSI06800798-816.

10 48. Attached to the Appendix as Exhibit 46 is a true and correct copy of a document
11 third party AmeriGas Propane L.P. produced in response to a subpoena issued by Oracle in this
12 action and endorsed with the Bates-numbers AMERIGAS-SUB00021-36.

13 49. Attached to the Appendix as Exhibit 47 is a true and correct copy of a document
14 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
15 RSI00004876-89.

16 50. Attached to the Appendix as Exhibit 48 is a true and correct copy of a document
17 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
18 RSI00002945-59.

19 51. Attached to the Appendix as Exhibit 49 is a true and correct copy of a document
20 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
21 RSI00002103-19.

22 52. Attached to the Appendix as Exhibit 50 is a true and correct copy of a document
23 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
24 RSI00004762-77.

25 53. Attached to the Appendix as Exhibit 51 is a true and correct copy of a document
26 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
27 RSI06801336-51.

28

1 54. Attached to the Appendix as Exhibit 52 is a true and correct copy of a document
2 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
3 RSI00183503-36.

4 55. Attached to the Appendix as Exhibit 53 is a true and correct copy of a document
5 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
6 RSI00004476-95.

7 56. Attached to the Appendix as Exhibit 54 is a true and correct copy of a document
8 third party Smurfit Stone Container Corporation produced in response to a subpoena issued by
9 Oracle in this action and endorsed with the Bates-numbers SMURFIT-SUB00003-18.

10 57. Attached to the Appendix as Exhibit 55 is a true and correct copy of an October 3,
11 2011 Rimini press release titled “Rimini Street Expands Industry-Leading Support Offering to
12 Cover Oracle Database,” accessed on September 13, 2012 and available at <http://www.rimini>
13 street.com/news.php?id=1001

14 58. Attached to the Appendix as Exhibit 56 is a true and correct copy of Rimini’s
15 Objections and Responses to Oracle’s Eighth Set of Interrogatories, dated November 16, 2011.

16 59. Attached to the Appendix as Exhibit 57 is a true and correct copy of a document
17 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
18 RSI03232060-62.

19 60. Attached to the Appendix as Exhibit 58 is a true and correct copy of a document
20 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
21 RSI03232063-73.

22 61. Attached to the Appendix as Exhibit 59 is a true and correct copy of relevant
23 excerpts of the transcript of the July 21, 2010 deposition of Seth Ravin taken in the action
24 captioned *Oracle Corp., et al. v. SAP AG, et al.*, Case No. 07-CV-1658 (PJH) (N.D. Cal.).

25 62. Attached to the Appendix as Exhibit 60 is a true and correct copy of a document
26 Oracle produced to Rimini as part of discovery in this action, endorsed with the Bates-numbers
27 ORCLRS1325165-66.

28

1 63. Attached to the Appendix as Exhibit 61 is a true and correct copy of Oracle
2 Deposition Exhibit 458, which was introduced during the September 27, 2011 deposition of John
3 Whittenbarger.

4 64. Attached to the Appendix as Exhibit 62 is a true and correct copy of Oracle
5 Deposition Exhibit 459, which was introduced during the September 27, 2011 deposition of John
6 Whittenbarger.

7 65. Attached to the Appendix as Exhibit 63 is a true and correct copy of relevant
8 excerpts of the transcript of the December 15, 2011 deposition of Brian Slepko.

9 66. Attached to the Appendix as Exhibit 64 is a true and correct copy of relevant
10 excerpts of the transcript of the June 24, 2011 deposition of Dennis Chiu.

11 67. Attached to the Appendix as Exhibit 65 is a true and correct copy of Rimini
12 Deposition Exhibit 41, which was introduced during the May 12, 2011 deposition of John
13 Marandola.

14 68. Attached to the Appendix as Exhibit 66 is a true and correct copy of Oracle
15 Deposition Exhibit 1558, which was introduced during the December 15, 2011 deposition of
16 Brian Slepko.

17 69. Attached to the Appendix as Exhibit 67 is a true and correct copy of Oracle
18 Deposition Exhibit 276, which was introduced during the June 24, 2011 deposition of Dennis
19 Chiu.

20 70. I am familiar with Rimini's discovery requests in this case, including its
21 document requests and interrogatories to Oracle and any third party discovery that Rimini
22 sought. I am also familiar with the depositions that Rimini sought and took in this case and with
23 the deposition testimony of the Oracle witnesses and third party witnesses Rimini deposed in this
24 case.

25 71. Rimini never sought documents or any other discovery from Pat Phelan or
26 Gartner Research. Rimini never sought to take nor took the deposition of Pat Phelan (or any
27 witness from Gartner Research), Deborah Hellinger, James McLeod, Kerry Fogarty (or any
28 witness from Liz Claiborne, Inc.).

1 72. Rimini did not ask any Oracle witness at deposition or serve Oracle with any
 2 written discovery about (a) the Alleged Defamatory Statement 1 that is described in Undisputed
 3 Fact No. 77 in the accompanying Statement of Undisputed Facts In Support of Oracle's Second
 4 Motion for Partial Summary Judgment ("SUF") or (b) any alleged statement that any Oracle
 5 employee made to Pat Phelan of Gartner Research about Rimini. In particular, Rimini did not
 6 ask any Oracle witness at deposition or serve Oracle with any written discovery about (a) any
 7 specific statement by an Oracle employee to Ms. Phelan about Rimini or (b) the identity or state
 8 of mind of the Oracle employee who made the alleged "insinuation" that Rimini describes in its
 9 First Supplemental Response to Plaintiffs' Interrogatory No. 16 (Exhibit 68 hereto).

10 73. None of Rimini's written discovery to Oracle asked about Deborah Hellinger's
 11 statements to the press that are referenced in Rimini's First Supplemental Response to Plaintiffs'
 12 Interrogatory No. 16 (Exhibit 68 hereto) and described in Undisputed Fact No. 83 in the
 13 accompanying SUF. Rimini's counsel also did not ask any witness at deposition about Ms.
 14 Hellinger's statements to the press that are referenced in Rimini's First Supplemental Response
 15 to Plaintiffs' Interrogatory No. 16 (Exhibit 68 hereto) and described in Undisputed Fact No. 83
 16 in the accompanying SUF.

17 74. None of Rimini's written discovery to Oracle asked about Oracle employee James
 18 McLeod's January 30, 2010 email to Kerry Fogarty of Liz Claiborne, Inc. that is referenced in
 19 Rimini's First Supplemental Response to Plaintiffs' Interrogatory No. 16 (Exhibit 68 hereto) and
 20 described in Undisputed Fact No. 87 in the accompanying SUF. Rimini's counsel also did not
 21 ask any witness at deposition about Mr. McLeod's January 30, 2010 email to Ms. Fogarty.

22 75. I am familiar with the names of the Oracle employees Rimini designated as
 23 custodians from whom documents should be produced in response to Rimini's document
 24 requests in this case. Rimini did not designate Deborah Hellinger as an Oracle custodian whose
 25 documents should be produced.

26 76. Attached to the Appendix as Exhibit 68 is a true and correct copy of Rimini's
 27 First Supplemental Response to Plaintiffs' Interrogatory No. 16, dated May 18, 2011.

28

1 77. Attached to the Appendix as Exhibit 69 is a true and correct copy of a letter that
2 my colleague Bree Hann sent to Rimini's counsel, Robert Reckers, on April 19, 2011.

3 78. Attached to the Appendix as Exhibit 70 is a true and correct copy of a letter dated
4 May 2, 2011 from Rimini's counsel, Ryan Dykal, to Ms. Hann.

5 79. Attached to the Appendix as Exhibit 71 is a true and correct copy of a letter my
6 colleague, Kristen Palumbo, sent to Rimini's counsel, Robert Reckers, on February 14, 2012.

7 80. Attached to the Appendix as Exhibit 72 is a true and correct copy of Mr. Reckers'
8 March 12, 2012 response to Ms. Palumbo's February 14, 2012 letter.

9 81. Attached to the Appendix as Exhibit 73 is a true and correct copy of relevant
10 excerpts of the transcript of the January 5, 2012 deposition of Juan Jones.

11 82. Attached to the Appendix as Exhibit 75 is a true and correct copy of a document
12 third party Liz Claiborne, Inc. produced in response to a subpoena issued by Oracle in this action
13 and endorsed with the Bates-numbers LC-SUB00087-88.

14 83. Attached to the Appendix as Exhibit 76 is a true and correct copy of an article
15 authored by John Letzing entitled "Upstart fires back at Oracle in legal battle," dated March 29,
16 2010, that was published on the website Marketwatch.com and is available at
17 [http://articles.marketwatch.com/2010-03-29/industries/30753875_1_tomorrownow-rimini-street-](http://articles.marketwatch.com/2010-03-29/industries/30753875_1_tomorrownow-rimini-street-oracle)
18 oracle.

19 84. Attached to the Appendix as Exhibit 77 is a true and correct copy of an article
20 authored by Chris Kanaracus entitled "Rimini Street files countersuit against Oracle," dated
21 March 29, 2010, that was published on the website Computerworld.com and is available at
22 http://www.computerworld.com/s/article/9174335/Rimini_Street_files_countersuit_against_Oracle.

24 85. Attached to the Appendix as Exhibit 78 is a true and correct copy of an article
25 authored by David Bank entitled "Oracle Will Fact New Competitor For Siebel Users," dated
26 March 5, 2005, that was published on Wall Street Journal's website, WSJ.com, and is available
27 at <http://online.wsj.com/article/SB112709752009444580.html>. The highlighting that appears on
28

1 the Exhibit has been added to assist in identifying the information in the article relevant to
2 Oracle's motion.

3 86. Attached to the Appendix as Exhibit 79 is a true and correct copy of relevant
4 excerpts of Oracle Deposition Exhibit 913, which was introduced during the November 17, 2011
5 deposition of Seth Ravin. The highlighting that appears on the Exhibit has been added to assist
6 in identifying the information in the document relevant to Oracle's motion.

7 87. Attached to the Appendix as Exhibit 80 is a true and correct copy of an article
8 authored by Stacy Cowley entitled "Solution Providers: Oracle Suing Over Standard Industry
9 Practice," dated March 23, 2007, that was published on CRN.com and is available at
10 [http://www.crn.com/news/applications-os/198500506/solution-providers-oracle-suing-sap-over-](http://www.crn.com/news/applications-os/198500506/solution-providers-oracle-suing-sap-over-standard-industry-practice.htm)
11 standard-industry-practice.htm. The highlighting that appears on the Exhibit has been added to
12 assist in identifying the information in the article relevant to Oracle's motion.

13 88. Attached to the Appendix as Exhibit 81 is a true and correct copy of an article
14 authored by Frank Scavo entitled "Oracle/SAP lawsuit: view from Rimini Street," dated March
15 27, 2007, that was published on The Enterprise System Spectator, fscavo.blogspot.com and is
16 available at fscavo.blogspot.com/2007/03/oraclesap-lawsuitview-from-rimini.html. The
17 highlighting that appears on the Exhibit has been added to assist in identifying the information in
18 the document relevant to Oracle's motion.

19 89. Attached to the Appendix as Exhibit 82 is a true and correct copy of an article
20 authored by Renee Boucher Ferguson entitled "Oracles Suit Against SAP Raises Customer
21 Concerns," dated July 12, 2007, published on eWeek.com and available at
22 [http://www.eweek.com/c/a/Enterprise-Applications/Oracles-Suit-Against-SAP-Raises-Customer-](http://www.eweek.com/c/a/Enterprise-Applications/Oracles-Suit-Against-SAP-Raises-Customer-Concerns/)
23 Concerns/. The highlighting that appears on the Exhibit has been added to assist in identifying
24 the information in the article relevant to Oracle's motion.

25 90. Attached to the Appendix as Exhibit 83 is a true and correct copy of an article
26 authored by Thomas Wailgum entitled "Oracle v. SAP Legal Fight Gets Messier, Raises Tough
27 Questions About Third-Party Maintenance," dated April 25, 2008, published on CIO.com and
28

1 available at www.cio.com/article/print/341763. The highlighting that appears on the Exhibit has
2 been added to assist in identifying the information in the article relevant to Oracle's motion.

3 91. Attached to the Appendix as Exhibit 84 is a true and correct copy of a March 29,
4 2010 Rimini press release titled "Rimini Street Sues Oracle," accessed on September 12, 2012
5 and available at www.riministreet.com/news.php?id=883. The highlighting that appears on the
6 Exhibit has been added to assist in identifying the information in the press release relevant to
7 Oracle's motion.

8 92. Attached to the Appendix as Exhibit 85 is a true and correct copy of a document
9 Oracle produced to Rimini as part of discovery in this action, endorsed with the Bates-numbers
10 ORCLRS1339488-92. The highlighting that appears on the Exhibit has been added to assist in
11 identifying the information in the document relevant to Oracle's motion.

12 93. Attached to the Appendix as Exhibit 86 is a true and correct copy of a document
13 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
14 RSI03634978-79.

15 94. Attached to the Appendix as Exhibit 87 is a true and correct copy of a document
16 Rimini produced to Oracle as part of discovery in this action, endorsed with the Bates-numbers
17 RSI00024720-48.

18 95. Attached to the Appendix as Exhibit 88 is a true and correct copy of Oracle
19 Deposition Exhibit 905, which was introduced during the November 17, 2011 deposition of Seth
20 Ravin, along with a true and correct copy of an excerpt from the transcript of Mr. Ravin's
21 November 17, 2011 deposition that relates to Oracle Deposition Exhibit 905.

22 96. Attached to the Appendix as Exhibit 89 is a true and correct copy of an excerpt of
23 Oracle Deposition Exhibit 432, which was introduced during the September 16, 2011 Rule
24 30(b)(6) deposition of Douglas Zorn.

25 97. Attached to the Appendix as Exhibit 90 is a true and correct copy of a Cheuvreux
26 Credit Agricole Group company report on SAP, dated July 15, 2010. The document was
27 produced by Oracle during the course of expert discovery, endorsed with the Bates-numbers
28 ORCLRSX-DEAN-00175-222.

1 98. Attached to the Appendix as Exhibit 91 is a true and correct copy of a
2 PiperJaffray Investment research report entitled “Third Party Support: Not The End Of Software
3 Maintenance, But A Profound Change,” dated July 2011. The document was produced by
4 Oracle during the course of expert discovery, endorsed with the Bates-numbers ORCLRSX-
5 DEAN-00230-65.

6 99. Attached to the Appendix as Exhibit 92 is a true and correct copy of a January 11,
7 2012 Rimini press release titled “Rimini Street Reports Record Fourth Quarter and Record Full-
8 Year 2011 Results,” accessed on September 12, 2012 and available at
9 <http://www.riministreet.com/news.php?id=1017>.

10 100. Attached to the Appendix as Exhibit 93 is a true and correct copy of the webpage
11 www.riministreet.com/clients_overview.php from Rimini Street’s website, accessed on
12 September 12, 2012.

13 101. Attached to the Appendix as Exhibit 94 are true and correct copies of Rimini’s
14 Response to Oracle’s Interrogatory No. 27 and Exhibit A to Rimini’s Response to Oracle’s
15 Interrogatory No. 27.

16 102. Attached to the Appendix as Exhibit 95 is a true and correct copy of relevant
17 excerpts of Oracle’s Complaint for Damages and Injunctive Relief, filed in this action on January
18 25, 2010 (Dkt. No. 1).

19 103. Attached to the Appendix as Exhibit 96 is a true and correct copy of relevant
20 excerpts of Rimini Street’s Answer To Oracle’s Second Amended Complaint And First
21 Amended Counterclaim, filed in this action on June 16, 2011 (Dkt. No. 153).

22

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct and that this declaration is executed at San Francisco, California, on September
25 14, 2012.

26

27

28

/s/ Manu Pradhan
Manu Pradhan